

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

|                                    |   |                             |
|------------------------------------|---|-----------------------------|
| <b>WAYNE STEWART,</b>              | ) |                             |
|                                    | ) |                             |
| <b>Plaintiff,</b>                  | ) |                             |
|                                    | ) |                             |
| <b>vs.</b>                         | ) | <b>CASE NO. 2:17CV9 HEA</b> |
|                                    | ) |                             |
| <b>THOMAS CAREA, M.D., et al.,</b> | ) |                             |
|                                    | ) |                             |
| <b>Defendants.</b>                 | ) |                             |

**OPINION, MEMORANDUM AND ORDER**

Plaintiff moves for appointment of counsel. After considering the motion and the pleadings, the motion is denied without prejudice to refiling at a later time. There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. *See*

*Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

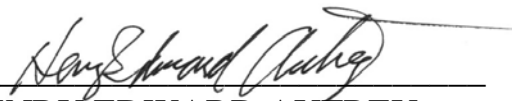
Plaintiff has presented non-frivolous allegations in his complaint. However, he has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally, neither the factual nor the legal issues in this case are complex.

The Court will entertain future motions for appointment of counsel as the case progresses.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for appointment of counsel [Doc. No. 50] is **DENIED** without prejudice.

Dated this 13<sup>th</sup> day of April, 2018.

  
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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE